

Ex. 3

APPEARANCES OF COUNSEL

On behalf of Plaintiff:

NEW YORK CIVIL LIBERTIES UNION FOUNDATION
125 Broad Street

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BY: PERRY GROSSMAN, ESQ.

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On behalf of the Defendant City of New York:

NEW YORK CITY LAW DEPARTMENT

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BY: AMY ROBINSON ,ESQ.

On behalf of the Defendant:

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JOHN DADAMO Vol 1
JARRETT PAYNE vs Bill DeBLASIO

May 10, 2023

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APPEARANCES OF COUNSEL (CONT'D)

On behalf of Defendant Intervenors the Captains
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JOHN D'ADAMO

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. GROSSMAN:

Q. Good morning, Chief D'Adamo. My name is Perry Grossman. I represent the Plaintiffs in the case of Payne v. DeBlasio. It's one of several consolidated cases.

What is your understanding of the litigation that you are being deposed here today?

A. I understand it has to do with the incidents that took place in the summer of 2020.

Q. You understand these incidents are primarily protests?

A. Protests and demonstrations, yes.

Q. Have you ever been deposed before?

A. No.

Q. The court reporter, Ms. Shemin, is taking down everything we say, so we shouldn't interrupt or talk over each other. Allow me to finish my questions; I will allow you to finish your answers.

You have to give verbal answers so she can take it down, so hand nods, mm-hmm, that's not going to work.

Do you understand?

1 A. Yes, sir.

2 Q. Are you represented by counsel today?

3 A. Yes, I am.

4 Q. Who is your counsel?

5 A. Amy Robinson.

6 Q. Ms. Robinson may be making objections from
7 time to time. Unless she instructs you not to
8 answer a question, you should answer the question to
9 the best of your ability.

10 Do you understand that?

11 A. Yes, sir.

12 Q. If you don't understand the question, let
13 me know, and I will do my best to clarify.

14 Do you understand that?

15 A. Yes, sir.

16 Q. You are aware that you are under oath and
17 legally required to answer questions to the best of
18 your ability?

19 A. Yes.

20 Q. We will take breaks periodically. If you
21 need a break at any time, just say so.

22 A. Okay.

23 Q. If there's a question pending, just answer
24 the question before we break.

25 A. Okay.

1 policy on policing protests?

2 A. No.

3 Q. Have you noticed any change in how
4 police -- withdrawn.

5 Have you noticed any change in how the
6 NYPD police protests between your experience at
7 Occupy Wall Street and the start of the George Floyd
8 protests?

9 A. Not really. Things were pretty much
10 consistent throughout that whole time, but after --
11 towards the end of the George Floyd protest, things
12 started to change.

13 Q. What changes?

14 A. Changes that were made were, and I think
15 it came from the Department of Investigation, I
16 never saw the report, but I was told that they would
17 like to have SRG off the set.

18 So say there was a demonstration on, like,
19 42nd Street and Sixth Avenue, instead of having SRG
20 right front and center, they would put us maybe
21 wherever the patrol borough incident commander would
22 want us, which is usually five blocks away. So we
23 were off the set, and they would have patrol cops
24 and Community Affairs officers police that protest
25 as opposed to SRG being right in front.

1 Q. And SRG has implemented that strategy?

2 A. Yes.

3 Q. Has it been successful?

4 A. Yes.

5 Q. Have you had any incidents, any negative
6 incidents, that have occurred as a result of SRG
7 being stationed several blocks away from a protest
8 as opposed to on top of a protest?

9 A. Negative, no.

10 Q. Any other changes you have seen to the way
11 protests are policed since the George Floyd
12 protests?

13 A. The ones I just mentioned to you, keeping
14 us not at the tip of the spear, but about five
15 blocks away and only calling for SRG if there's
16 going to be confrontation or arrests being made.

17 Q. Have you noticed any changes to the
18 tactics used by the NYPD in policing protests
19 between Occupy Wall Street and the start of the
20 George Floyd protests?

21 A. I think I answered that earlier. I
22 don't -- I don't seem to recall too many different
23 tactical changes. Maybe there are some SRG started
24 in 2015, but the tactics were putting us in the
25 front by the protesters with -- you know, with

1 patrol there as like a supplement to us there.

2 But that went on for quite a while. Like
3 I said, the dynamic change happened after 2020, or
4 during that, when they took us off the front.

5 Q. Okay. Other than what you have mentioned
6 so far, any other changes to tactics that you can
7 recall?

8 A. The bikes. We have a bike team. We
9 didn't have a bike team in 2011. The bike team
10 started around 2015. That's a different tactic.

11 I don't think NYPD had a bike team during
12 the Occupy years, 2011 through 2015. I think the
13 bike team started in 2016 or 2017.

14 Commissioner Bratton, I believe, was in
15 Seattle, and he liked seeing the Seattle Police
16 Department on their bikes operate, how mobile they
17 would be. He tasked Chief Hughes and myself with
18 how to start a team, which we did.

19 We had the Seattle police come in, and
20 they would train us with the proper utilization of
21 bikes. We now have a pretty robust bike unit in
22 SRG, but using bikes at demonstrations is a
23 different tactic.

24 Q. Have there been any hot washes related to
25 the protests surrounding the death of Jordan Neely?

1 A. I haven't been at all of them. The ones
2 that I went to, not really. Hot wash after, no.
3 There might have been, but not with me around.

4 Q. Have there been any changes to the use of
5 force standards used by the NYPD in policing
6 protests between Occupy Wall Street and the start of
7 the George Floyd protests?

8 A. I don't believe so, no.

9 Q. Have there been any changes since then?

10 A. Use of force at a protest? I don't recall
11 any.

12 Q. You mentioned the bicycle officers. Let
13 me just ask.

14 Have you noticed any changes to the
15 equipment used by the NYPD in policing protests
16 between Occupy Wall Street and the start of the
17 George Floyd protests?

18 A. Equipment? I mean, the riot helmets are
19 still the same. My guys have different helmets.
20 The bike teams have the padded gear that they would
21 wear on their outside, which is made by the Fox
22 company that can be purchased at any BMX store? So
23 they wear that when they believe there's going to be
24 confrontation or objects thrown at them to protect
25 them.

1 Other than that, I think -- unless I am
2 missing something, I think that's the only
3 difference.

4 Q. Any changes to equipment since the George
5 Floyd protests?

6 A. No, I don't believe so.

7 Q. Okay. We have gone a little over an hour
8 now.

9 A. I am good.

10 MS. ROBINSON: I think we should take a
11 little break.

12 MR. GROSSMAN: Let's go off the record.

13 It's 11:32 now. We will come back at
14 11:42.

15 (Recess taken)

16 MR. GROSSMAN: Back on the record. It's
17 11:47 a.m.

18 BY MR. GROSSMAN:

19 Q. Chief, I want to circle back on a couple
20 of things quickly. The first is just on the text
21 messages.

22 You said it's common knowledge that text
23 messages are backed up centrally.

24 Do you know where you heard that from?

25 A. I don't.

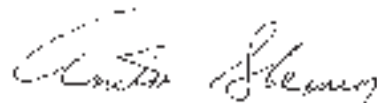
CERTIFICATE OF REPORTER

I, ANITA SHEMIN, CSR, reporter in
and for the State of New York do hereby certify:

That the proceeding took place remotely
at the time herein set forth; that the
testimony and proceedings were accurately captured
stenographically by me during the proceeding.

I further certify that I am not related to
any of the parties to this action by blood or
marriage and that I am not interested in the outcome
of this matter, financially or otherwise.

IN WITNESS THEREOF, I have hereunto set my
hand this 30th of May, 2023.



ANITA SHEMIN, CSR